REMARKS

In the subject Office Action, claims 2-4, 6-8 and 10-11 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,014,876 to Young et al. In addition, claim 5 was rejected under 35 U.S.C. 103(a) as being unpatentable over Young et al. in view of U.S. Patent No. 5,035,353 to Smart et al. In response, claim 10 has been amended to emphasize differences between the present invention and the Young et al. patent and claim 5 has been deleted.

Claim 10 now specifically recites that the movable transfer passage is disposed between the outlet of the source of pressurized gas and an inlet of the delivery tube and that the passage is in line with the outlet of gas source and the inlet of the delivery tube. This feature is not present in the design shown in the Young et al. patent. Specifically, the fastener feed assembly of Young et al. describes a moveable transfer passage in the form of notch (35) in slide (30). This passage moves between the fastener supply (chute 13) and an exit opening (26) the fasteners pass from the exit opening downwardly into a delivery tube (18). The delivery tube (18) is pressurized by an air supply (48) whose outlet (53) is downstream of the transfer passage. The fastener feed assembly of Young et al. therefore does not have the same arrangement for transferring fasteners and therefore does not address the same issues in relation to transfer of the fasteners as the present invention.

In addition to the above, it is to be noted that the outlet (53) to the pressurized gas source in Young et al. is significantly smaller in dimension and cross sectional area than the bore of the delivery tube. This is in contrast to the feature of amended claim 10 which states "said outlet

having a bore with an interior cross sectional area that is substantially identical to said internal cross sectional area of the delivery tube bore".

Finally, in the Young et al. patent there is no sealing means to seal the transfer passage against leakage. The Examiner appears to take the position that the body member (21) is in itself a seal. However, body member 21 is simply a metal block which defines a slot (24) in which the transfer slide (30) is mounted and there is no separate seal.

The present invention is perhaps more closely aligned to the rivet feed slider disclosed in U.S. Patent No. 6,575,347 to Coonrod et al. which shows an air supply (14) disposed in line with a rivet delivery tube (12). However, the present invention is distinguished from this design in that the delivery tube is connected to the fastener supply and the cross sectional area of the gas source outlet is substantially identical to that of the delivery tube. It can be seen from the '347 patent that the cross sectional areas of the air outlet and the delivery tube are quite different. Moreover, there is no disclosure of sealing means associated with the transfer passage and it would seem from figure 1 that there is no reason to seal the transfer passage on the basis that there is a significant clearance between the rivet transfer mechanism (10) and the air supply and delivery tube.

As a result, Applicants respectfully submit that amended independent claim 10 and the claims that are dependent thereon are patentable over the cited art.

In view of the foregoing amendments and remarks, it is believed that the application is in condition for allowance and such action is respectively requested. If the Examiner believes that a telephone conference would advance the prosecution of the case, it is requested that the undersigned attorney be telephoned for that purpose.

Respectfully submitted,

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